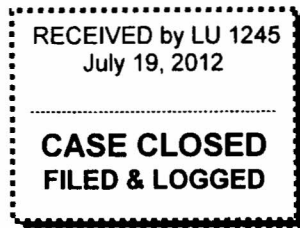




REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
MAIL CODE N2Z
P.O. BOX 770000
SAN FRANCISCO, CA 94177
(650) 598-7567



INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 2547
VACAVILLE, CALIFORNIA 94696
(707) 452-2700

DOUG VEADER, CHAIRMAN
DECISION
LETTER DECISION
PRE-REVIEW REFERRAL

ED DWYER, SECRETARY

Pre-Review Committee Number 21231 Electric Operations – W&R Dispatch – Fresno

Monica Oakes
Company Member
Local Investigating Committee

Mike Grill
Union Member
Local Investigating Committee

Subject of the Grievance

This case concerns the discharge of a Work & Resources Dispatcher for violations of the Company's EEO policies and inappropriate use of computer resources.

Facts of the Case

The grievant was a Work & Resources Dispatcher with 26 years of service. At the time of his termination, his disciplinary record consisted of a coaching and counseling session in each of the three categories of Positive Discipline.

The Company initiated an EEO investigation as a result of the grievant singing a song at his desk while watching YouTube. The song contained sexually suggestive and profane lyrics. At the same time, employees reporting receiving inappropriate e-mails from the grievant.

According to the EEO Investigation, an analysis of the grievant's computer revealed multiple e-mails that were sexually suggestive and explicit, and demeaning and degrading to women. Other e-mails were demeaning to people of African American and Hispanic ethnicity and of the Muslim faith. The e-mails contained photographs and language which included nudity, profanity, and ethnic and racial slurs. In addition, the grievant posted a picture containing the words "I hate you" on the supervisor's cubicle.

Discussion

The Company argued that the grievant committed multiple and egregious violations of Company EEO and Code of Conduct policies. There is no dispute that the grievant was made well aware of expectations and consequences for inappropriate behavior. Discharge was clearly warranted in this situation. Additionally the amount of time accessing websites was a serious misuse of Company time and resources.

The Union argued that it does not agree with the Company that the alleged inappropriate violations result in automatic termination. Ever since the Company communicated a zero tolerance policy, the Union has continued to maintain that each situation must be considered on its own merits and based on "just cause" principles. A case by case assessment must be made to determine whether there is just cause for a discharge.

Decision

The Committee agrees the discharge was for just cause and closes this case without adjustment.



Doug Veader, Chairman
Review Committee

7/19/12

Date



F.E. (Ed) Dwyer Jr, Secretary
Review Committee

7/19/2012

Date